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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2005 64160

DONNA KAY RONQUILIO, PTA
901 Palmbrook Drive
Apartment Number 15
Redlands, California 92373

A C C U S A T I O N

Physical Therapist Assistant License AT 3651,
Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California (Board).

2. On or about October 3, 1994, the Board issued Physical Therapist Assistant License Number AT 3651 to Donna Kay Ronquilio (Respondent). This license expired on November 30, 2005, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws and regulations. All section references are to the Business and Professions Code (Code) unless otherwise indicated

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1 6. Section 2660 of the Code states:

2 “The board may, after the conduct of appropriate proceedings
3 under the Administrative Procedure Act, suspend for not more than 12 months, or
4 revoke, or impose probationary conditions upon any license, certificate, or
5 approval issued under this chapter for unprofessional conduct that includes, but is
6 not limited to, one or any combination of the following causes:

7 “

8 “(d) Conviction of a crime which substantially relates to the qualifications,
9 functions, or duties of a physical therapist or physical therapy assistant. The record of
10 conviction or a certified copy thereof shall be conclusive evidence of that conviction. . . .”

11 “(i) Conviction of a violation of any of the provisions of this
12 chapter or of the State Medical Practice Act, or violating, or
13 attempting to violate, directly or indirectly, or assisting in or
14 abetting the violating of, or conspiring to violate any provision or
15 term of this chapter or of the State Medical Practice Act. . . .”

16 “(l) The commission of any fraudulent, dishonest, or corrupt act
17 which is substantially related to the qualifications, functions, or
18 duties of a physical therapist or physical therapy assistant. . . .”

19 7. Section 2661 of the Code states:

20 “A plea or verdict of guilty or a conviction following a plea of nolo
21 contendere made to a charge of a felony or of any offense which substantially
22 relates to the qualifications, functions, or duties of a physical therapist is deemed
23 to be a conviction within the meaning of this article. The board may order the
24 license suspended or revoked, or may decline to issue a license, when the time for
25 appeal has elapsed, or the judgment of conviction has been affirmed on appeal or
26 when an order granting probation is made suspending the imposition of sentence,
27 irrespective of a subsequent order under Section 1203.4 of the Penal Code
28 allowing that person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation,
2 information, or indictment.”

3 8. California Code of Regulations, Title 16, section 1399.20, states:

4 “For the purposes of denial, suspension or revocation of a license,
5 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or
6 act shall be considered to be substantially related to the qualifications, functions
7 or duties of a person holding a license under the Physical Therapy Practice Act if
8 to a substantial degree it evidences present or potential unfitness of a person to
9 perform the functions authorized by the license or approval in a manner consistent
10 with the public health, safety or welfare. Such crimes or acts shall include but not
11 be limited to the following:

12 (a) Violating or attempting to violate, directly or indirectly, or assisting in
13 or abetting the violation of, or conspiring to violate any provision or term of the
14 Physical Therapy Practice Act. . . .”

15 9. Section 118 of the Code states in pertinent part:

16 “

17 “(b) The suspension, expiration, or forfeiture by operation of law of a
18 license issued by a board in the department, or its suspension, forfeiture, or
19 cancellation by order of the board or by order of a court of law, or its surrender
20 without the written consent of the board, shall not, during any period in which it
21 may be renewed, restored, reissued, or reinstated, deprive the board of its
22 authority to institute or continue a disciplinary proceeding against the licensee
23 upon any ground provided by law or to enter an order suspending or revoking the
24 license or otherwise taking disciplinary action against the licensee on any such
25 ground.

26 “(c) As used in this section, ‘board’ includes an individual who is
27 authorized by any provision of this code to issue, suspend, or revoke a license, and
28 ‘license’ includes ‘certificate,’ ‘registration,’ and ‘permit.’”

10. Section 2661.5, subdivision (a) of the Code states:

“In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.”

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

11. Respondent is subject to disciplinary action under Code sections 2660, subdivision (d), and 2661, and California Code of Regulations, Title 16, section 1399.20, subdivision (a), in that she was convicted of a crime substantially related to the qualifications, functions, or duties of a physical therapist assistant. The circumstances are as follows:

A. On or about January 21, 2005, a California Highway Patrol Officer was dispatched to a restaurant at the corner of Vincent Moraga and Rancho California Road in Temecula, California. There, he found Respondent being detained by two witnesses who saw her hit the guardrail on the southbound I-15 Freeway in a Honda Civic, spin around, and then drive off at a high rate of speed. The witnesses followed her and caught her in the restaurant parking lot; they then called the police. Due to Respondent's level of intoxication, the responding officer was unable to administer field sobriety tests to her.

B. Respondent was subsequently arrested and charged with violating California Vehicle Code section 23152(A) (Driving under the influence of alcohol). Charges were added on or about February 2, 2005, for violations of California Vehicle Code sections 23152(B) (driving under the influence of alcohol with a blood alcohol content of .08 or higher) and 16028A (Failure to provide proof of financial responsibility).

C. On or about February 25, 2005, respondent was convicted upon her plea of guilty to the violations of California Vehicle Code sections 23152(A) and 23152(B). She

1 was placed on probation for 36 months on certain terms and conditions that date. The
2 Court ordered her to pay fines and assessments of \$1,381.40.

3 12. The above offense is substantially related to the qualifications, functions,
4 or duties of a physical therapist assistant in that it demonstrates respondent's inability to exercise
5 appropriate self control and judgement to perform such functions and duties.

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7 **SECOND CAUSE FOR DISCIPLINE**
8 **(Corrupt Act)**

9 13. Complainant hereby incorporates Paragraphs 1 through 12 above as if each
10 were set forth herein.

11 14. Respondent is subject to discipline pursuant to Code Section 2260(l)
12 because her conduct is a corrupt act, in that driving while severely intoxicated places countless
13 people at risk of injury or death. It is substantially related to the qualifications, functions, or
14 duties of a physical therapist because such conduct demonstrates a lack of judgement and self
15 control inherent in the practice of any profession, including physical therapy.

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17 **THIRD CAUSE FOR DISCIPLINE**
18 **(Misuse of Alcohol)**

19 15. Complainant hereby incorporates Paragraphs 1 through 12 above as if each
20 were set forth herein.

21 16. Respondent is subject to discipline pursuant to Code Sections 2260(i) and
22 2239 due to her conviction and abuse of alcohol, in that driving while severely intoxicated places
23 countless people at risk of injury or death.

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25 **DISCIPLINE CONSIDERATIONS**

26 17. To determine the degree of discipline, if any, to be imposed on
27 Respondent, Complainant alleges that she violated her probation terms in the above matter,
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1 resulting in a probation revocation hearing on September 23, 2005, where additional terms and
2 conditions were imposed.

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4 **PRAYER**

5 **WHEREFORE**, Complainant requests that a hearing be held on the matters
6 herein alleged, and that following the hearing, the Physical Therapy Board issue a decision:

7 1. Revoking or suspending Physical Therapist Assistant License Number
8 AT 3651, issued to Donna Kay Ronquilio, P.T.A;

9 2. Ordering her to pay the Board the reasonable costs of the investigation and
10 enforcement of this case, pursuant to Business and Professions Code section 2661.5;

11 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: March 30, 2007
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17 Original Signed By:
18 STEVEN K. HARTZELL
19 Executive Officer
20 Physical Therapy Board of California
21 Department of Consumer Affairs
22 State of California
23 Complainant
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